

97CV00069-NG-STD

RECEIVED  
in Chambers of  
U.S.D.J. GershonD/F  
CMUNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

NOV 23 1998

JAGUN GREEN WILSON,

Plaintiff,

- against -

THE CITY OF NEW YORK, THE POLICE  
DEPARTMENT OF THE CITY OF NEW YORK, and  
POLICE OFFICER MICHAEL HERBISON,

Defendants.

**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISCONTINUANCE**

CV 97 0069 (NG)

FILED  
IN CLERK'S OFFICE  
U. S. DISTRICT COURT E.D. N.Y.

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TIME A.M. \_\_\_\_\_

P.M. \_\_\_\_\_

**WHEREAS**, plaintiff commenced this action by filing a complaint on or about  
June 9, 1997 alleging that defendants violated his civil rights by falsely arresting him; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's  
allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation,  
without further proceedings and without admitting any fault or liability;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and  
between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and  
without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.
2. Defendant City of New York hereby agrees to pay plaintiff the sum of  
THIRTY-TWO THOUSAND DOLLARS (\$32,000.00) in full satisfaction of all claims,  
including claims for costs, expenses and attorney fees. In consideration for the payment of this

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sum, plaintiff agrees to dismissal of all the claims against the individually named defendants and to release all defendants, any present or former employees or agents of the City of New York, and the City of New York from any and all liability, claims, or rights of action arising from and contained in the complaint in this action, including claims for costs, expenses and attorney fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph 2 above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by any of the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject

matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
October 23, 1998

ELLEN SACKSTEIN  
SACKSTEIN, SACKSTEIN &  
SACKSTEIN, LLP  
Attorney for Plaintiff  
1001 Franklin Avenue, Suite 301  
Garden City, New York 11530

By: *Ellen Sackstein*  
ELLEN SACKSTEIN, ESQ.

MICHAEL D. HESS  
Corporation Counsel of the  
City of New York  
Attorney for Defendants  
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By: *AM*  
ANDREA MOSS  
Assistant Corporation Counsel  
AM 4202

SO ORDERED:

*Mia Marsh*  
U.S.D.J.

11-23-98